

**IN THE MATTER OF:**

Wayside Gardens Residential Care Facility )  
300 Spring Street ) **FINAL DECISION**  
Westbrook, ME 04092 )

This is the Department of Health and Human Services' Final Decision.

The Recommended Decision of Hearing Officer Stoodley, dated January 19, 2006 has been reviewed.

I hereby adopt the findings of fact and I accept the Recommendation of the Hearing Officer that the Department was not correct when it imposed a 10% financial sanction to Wayside Gardens Residential Care Facility as a result of the Case Mix Audit.

DATED: 2/24/06 SIGNED: \_\_\_\_\_  
BRENDA M. HARVEY, ACTING COMMISSIONER  
DEPARTMENT OF HEALTH & HUMAN SERVICES

**YOU HAVE THE RIGHT TO JUDICIAL REVIEW UNDER THE MAINE RULES OF CIVIL PROCEDURE, RULE 80C. TO TAKE ADVANTAGE OF THIS RIGHT, A PETITION FOR REVIEW MUST BE FILED WITH THE APPROPRIATE SUPERIOR COURT WITHIN 30 DAYS OF THE RECEIPT OF THIS DECISION.**

**WITH SOME EXCEPTIONS, THE PARTY FILING AN APPEAL (80B OR 80C) OF A DECISION SHALL BE REQUIRED TO PAY THE COSTS TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR PROVIDING THE COURT WITH A CERTIFIED HEARING RECORD. THIS INCLUDES COSTS RELATED TO THE PROVISION OF A TRANSCRIPT OF THE HEARING RECORDING.**

cc: Andrea Otis-Higgins, Director of Clinical Services, Sandy River Health  
System  
Ed Fitzpatrick, Executive Director, Springbrook Nursing Facility  
Carole Kus, OMS  
Maxima Corriveau, OMS